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4
UNITED STATES DISTRICT COURT
5
NORTHERN DISTRICT OF CALIFORNIA

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7 MIGUEL A. CRUZ No. 07-02050 (JCS)

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Plaintiff(s),

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v.

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DOLLAR TREE STORES INC.

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Defendant(s).

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ROBERT RUNNINGS, et al.

No. 07-4012 SC (JCS)

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Plaintiff(s),

15

v.

**NOTICE OF REFERENCE AND ORDER
RE DISCOVERY PROCEDURES**

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DOLLAR TREE STORES, INC.

17

Defendant(s).

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TO ALL PARTIES AND COUNSEL OF RECORD:

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The above matter has been referred to the undersigned for all discovery matters. Please be advised that All hearing dates are subject to the availability of the Court's calendar. A hearing on Plaintiff's Motion to Compel Responses To Plaintiff's Special Interrogatory No. 1 has been scheduled for October 10, 2008 at 9:30 a.m. in Courtroom A, 15th Floor, 450 Golden Gate Ave., San Francisco, California. All opposition and reply papers shall be timely filed according to the originally noticed hearing date.

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LAW AND MOTION PROCEDURES

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1 Civil law and motion is heard on Friday mornings, at 9:30 a.m., in Courtroom A, 15th Floor,
2 United States District Court, 450 Golden Gate Avenue, San Francisco, California.

3 In the event a **discovery dispute** arises, IT IS HEREBY ORDERED that before filing any
4 discovery motion before this Court, the parties must comply with the following:

- 5 1. Lead trial counsel for both parties must meet and confer *in person* regarding the
6 matter(s) at issue. This meeting shall occur after other efforts to resolve the dispute,
7 such as telephone, e-mail, teleconference, or correspondence, have been unsuccessful.
8 Once those efforts have proved unsuccessful, any party may demand a meeting of
9 lead trial counsel to resolve a discovery matter. Such a meeting shall occur within ten
10 (10) calendar days of the demand. The locations of the meetings shall alternate. The
11 first meeting shall be at a location selected by counsel for Plaintiff(s). If there are any
12 future disputes, the next such meeting shall be held at a location to be determined by
13 counsel for Defendant(s), etc.
- 14 2. Within five (5) calendar days of the in-person meeting between lead trial counsel
15 referred to above, the parties shall jointly file a detailed letter with the Court, which
16 will include the matters that remain in dispute, a detailed substantive description of
17 each side's position on each such issue, and a description of each side's proposed
18 compromise on each such issue.
- 19 3. After the Court has received the joint letter, the Court will determine what future
20 proceedings, if any, are necessary.

21 In the event that the parties continue to be unable to resolve the matters regarding the timing
22 and scope of discovery, the Court will consider what future actions are necessary. These actions
23 may include sanctions against a party failing to cooperate in the discovery process and meet and
24 confer in good faith, as required by this Order, the Federal Rules of Civil Procedure, and the Local
25 Rules of this Court. The Court is not entering either of these matters as an Order of the Court at this
26 time, and fully expects counsel to meet their obligations under this Order and under the Local Rules.

27 A party or counsel has a continuing duty to supplement the initial disclosure when required
28 under Fed. R. Civ. P. 26(e)(1).

1 Law and motion matters may be submitted without argument upon stipulation of the parties
2 and notification of the Court no later than 4:30 p.m. the day before the hearing. Pursuant to Civil L.
3 R. 7-7(e), filed motions may be withdrawn without leave of the Court, within seven (7) days of the
4 date for service of the opposition. Thereafter, leave of the Court must be sought.

5 All filings of documents relating to motions referred to the undersigned shall list the civil
6 case number and the district court judge's initials followed by the designation "(JCS)".

7 **ELECTRONIC FILING AND COURTESY COPIES**

8 Please refer to Civil L. R. 5-4 and General Order No. 45 for the Northern District of
9 California for information relating to electronic filing procedures and requirements. All documents
10 shall be filed in compliance with the Civil Local Rules. Documents not filed in compliance with
11 those rules will not be considered by the Court.

12 **BEFORE NOON ON THE NEXT BUSINESS DAY FOLLOWING THE ELECTRONIC
13 FILING, THE PARTIES ARE REQUIRED TO LODGE DIRECTLY WITH CHAMBERS ONE
14 CONFORMED, PAPER COPY OF EACH DOCUMENT, WHICH IS TO BE DESIGNATED
15 "JCS'S CHAMBERS' COPY."**

16 The failure of counsel or a party to abide by this Order may result in sanctions pursuant to
17 Fed. R. Civ. P. 16(f).

18 **IT IS SO ORDERED.**

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20 Dated: September 16, 2008


21 JOSEPH C. SPERO
22 United States Magistrate Judge
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